

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 11-CR-331 MMC

Plaintiff,

**ORDER DIRECTING PLAINTIFF TO  
FILE SUPPLEMENTAL RESPONSE TO  
§ 2255 MOTION**

v.

PETE AGAPITO CHAVEZ,

Defendant.

Before the court is defendant Pete Agapito Chavez's ("Chavez") "Application Seeking Habeas Relief Pursuant to 28 U.S.C. § 2255," (hereinafter "Motion"), filed May 8, 2013, raising four claims. By order filed May 24, 2013 (see Doc. No. 69), the Court dismissed the first three claims and directed the government to file a response as to the fourth, a claim alleging ineffective assistance of counsel. The government thereafter filed its opposition, to which Chavez replied. By order filed October 15, 2014 (see Doc. No. 87), the Court afforded Chavez leave to file a declaration, signed under penalty of perjury, setting forth in detail the facts on which he bases his motion. On November 5, 2014, Chavez filed a declaration. In light of said filing, the government is hereby DIRECTED to file, no later than January 16, 2015, a supplemental response to Chavez's remaining claim of ineffective assistance of counsel, accompanied, if appropriate, by responsive declarations.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: December 5, 2014

  
MAXINE M. CHESNEY  
United States District Judge

<sup>1</sup> To the extent the government is relying on testimony given at a prior hearing, a transcript of such testimony must be submitted.